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REMARKS

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-10, 12, 14, 16, 18, 20-22, 24, 26, 28-35, 39-40 and 42 are pending in the application.

No new matter is added by way of these amendments. Support for the amendments is found throughout the specification and original claims, in particular, as described below. It is therefore respectfully requested that the amendments and be entered. Further, claims 11, 13, 15, 17, 19, 23, 25, 36-38 and 41 are hereby sought to be canceled.

Claims 1-42 have been rejected. Applicants respectively traverse each rejection. Based on the above amendments and following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

The Examiner has rejected claims 1-42 under 35 U.S.C. § 112, second paragraph, for allegedly failing to particular point out and distinctly claim the subject matter which applicants regard as their invention. Specifically the Examiner noted that the metes and bounds of the claims are unclear where certain elements are positively recited in certain claims, *i.e.*, claim 10, and not others. The claims have been amended to effectuate such clarity, as claim 10 now recites, "The apparatus of Claim 1 further comprising a drive shaft within the housing cavity... ." Further, "optional" language has been deleted from claim 1 for the sake of clarity.

Thus, based on these amendments and remarks, Applicants believe that the rejection under 35 U.S.C. § 112, second paragraph has been fully traversed. Therefore, Applicants respectfully request that this rejection be withdrawn.

The Examiner has rejected the instant claims under 35 USC §§ 102/103 for being either inherently anticipated, anticipated, or obvious in view of Guill (U.S.

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Patent No. 3,029,466); Poteet, III (U.S. Patent No. 3,846,529), Ribble et al. (U.S. Patent No. 5,429,788); Kahlert et al. (U.S. Patent No. 4,639,423); and Nash (U.S. Patent No. 2,254,237).

With regard to Guill, the Examiner states that Guill renders claims 1, 10, 12, 14, 16, 18, 20-22, 24, 26, 30, 32, 36 and 38 anticipated under 35 USC § 102 (b). With regard to Poteet III, Claims 1, 36 and 38 have been rejected as anticipated by Poteet under 35 USC § 102 (b). Claims 36 and 38 have been canceled. In view of the foregoing amendments as described herein, Applicants respectfully traverse, as neither reference teaches each and every element of the remaining amended claims.

Claim 1 has also been amended to include the following: "(c) at least a second inlet port in the housing for introducing a biocatalyst into the housing cavity." Support for this amendment may be found on page 14 of the specification and in Figure 2. Support for the other amended elements of claim 1 may be found in the description of Figure 2 on pages 9-13 of the specification. Neither Guill or Poteet, III disclose the combination of elements of amended claim 1, and in particular the method step related to the biocatalyst.

Thus, based on these amendments and remarks, Applicants believe that the rejections under 35 U.S.C. § 102(b) have been fully traversed. Therefore, Applicants respectfully request that these rejection be withdrawn.

Claims 40-42 have been rejected under 35 USC § 103(a) as allegedly being obvious over Poteet, III (U.S. Patent No. 3,846,529), in view of Ribble et al. (U.S. Patent No. 5,429,788) and Kahlert et al. (U.S. Patent No. 4,639,423).

Claim 40 has been amended to require a first and second feed station, the second of which contains a biocatalyst, and amended claim 40 provides metering devices having transfer lines connected to the first and second feed stations receiving hydrogel material and biocatalyst. Support for the amendments to claim 40 may be found on page 14 of the specification.

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None of the references cited above, alone or in combination teaches each and every element of the method of claim 40 and its depending claim 42 (claim 41 has been canceled). Indeed, as the Examiner states, Poteet III fails to teach specific method steps including biocatalyst, feed stations, and a metering device. Ribble and Kahlert fail to teach methods directed to a first and second feed stations receiving hydrogel and biocatalyst and metering devices having transfer lines connected to the first and second feed stations as claimed in the method of claim 40. Further, as use of a biocatalyst is not described or contemplated by Poteet III and Ribble, but only Kahlert, there is no motivation in the cited references or general knowledge of one of ordinary skill in the art to combine Poteet III and Ribble with Kahlert or modify the primary reference so as to arrive at the claimed method with any reasonable expectation of success. Rather, Kahlert is a distinct invention not connected or related to the subject matter of Poteet III and Ribble.

Therefore, for the reasons described above, Poteet III, in view of Ribble and Kahlert, do not render claims 40 and 42 *prima facie* obvious as the teachings described within said references do not meet requirements for a *prima facie* obviousness determination, even when considering the patents taken together, as a whole. Moreover, even if the Examiner were to determine that the combination of the patents above were to teach each of the elements claims 40 and 42, which Applicants asserts they don't, there is still no basis for concluding that invention is thereby rendered obvious. See *Fromson v. Advance Offset Plate, Inc.*, 755 F.2d 1549, 1556 (Fed. Cir. 1995). Instead, what is needed is a reason, suggestion, or motivation in the prior art that would motivate one of ordinary skill to combine the cited references, and that would also suggest a reasonable likelihood of success in making or using the claimed invention as a result of that combination. See *In re Dow Chem. Co.*, 837 F.2d 469, 473 (Fed. Cir. 1988). In this case, the Examiner has not provided a showing of a motivation to combine or reasonable expectation of success for doing so.

Thus, based on these amendments and remarks, Applicants believe that the rejection of claims 40 and 42 under 35 U.S.C. § 103(a) has been fully traversed. Therefore, Applicants respectfully request that this rejection be withdrawn.

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Claims 2-9, 11, 15, 17, 19, 23, 25, 27-29, 31, 33-35, 37 and 39 have been rejected under 35 USC § 103(a) as allegedly being obvious Guill (U.S. Patent No. 3,029,466), in view of Nash (U.S. Patent No. 2,254,237).

Specifically the Examiner states that Guill teaches the particle-forming apparatus of the rejected claims while Nash teaches a feed station, metering device and transfer lines.

In view of the rejection above, Claim 2 has been amended to be directed to a hydrogel particle-forming system comprising at least a first feed station for containing a hydrogel-forming suspension, at least a second feed station for containing a biocatalyst, and respective metering devices. Support for amended elements of claim 2 may be found on page 14 of the specification. Also, claims 11, 15, 17, 19, 23, 25, 27 and 37 have been canceled.

Neither Guill or Nash describe or suggest a particle-forming system comprising at least a first feed station for containing a hydrogel-forming suspension, at least a second feed station for containing a biocatalyst, and respective metering devices as in the rejected claims. Thus the references alone, or in combination fail to render the amended claims *prima facie* obvious under 35 U.S.C. § 103(a).

Moreover, there is no motivation in the cited art or general knowledge of one of ordinary skill in the relevant art that would suggest modifying the cited references to arrive at the claimed invention, and one of ordinary skill in the relevant art would not look at the cited references and expect success in modifying said references to achieve the claimed invention.

Thus, based on these amendments and remarks, Applicants believe that the rejection as it applies to pending claims 2-9, 28-29, 31, 33-35 and 39 under 35 U.S.C. § 103(a) has been fully traversed. Therefore, Applicants respectfully request that this rejection be withdrawn.

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In view of the foregoing, Applicants respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Therefore, allowance of the above-referenced application is respectfully requested. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,



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